SUPREME COURT, U. S.

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In the Supreme Court of the United States

OCTOBER TERM, 1967

No. 654.

ADAM FARKAS,
PETITIONER,

v.

TEXAS INSTRUMENTS, INC. and
LING-TEMCO-VOUGHT, INC.,
RESPONDENTS.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

REPLY BRIEF FOR PETITIONER

ADAM FARKAS
Pro Se
83 State Street
Bristol, Rhode Island

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This is an itemized reply to the misleading, immaterial and wholly unfounded statements in the Brief submitted by Respondent, Texas Instruments. Inc.

1. Respondent has urged this Court to deny the Petition because: "This case ... consists only of the claims of a disgruntled discharged employee". (Brief in Opposition pages 1 and 2). Such request by Respondent is

immaterial to the issues presented. The unhappy feelings of the parties to this litigation may not be turned into an issue of law in order to provide grounds for arguments seeking denial of a review by the United States Supreme Court.

2. Respondent states that Petitioner has made "supposed 'factual' assertions which are erroneous and completely without foundation in the record". (Brief in Opposition page 1)

   In reply to such statment, Petitioner points to sworn depositions and EXHIBITS contained in the record and signed by Government and Corporate Officers who provide documentary evidence which shows the Factual basis of the "assertions" made by Petitioner.

   Respondent is attempting to evade the facts. In the entire record there is not one piece of documentary evidence to support any of the claims made by the Respondent.

3. Respondent's contention that "the facts of this case are fully and accurately stated in the opinion of the court below" (Brief in Opposition pg. 1) is wholly unfounded. This case was never tried in Court. The opinion of the Court below is on the merits and not on the facts of this case.

4. Respondent imposed upon this Court with superfluous verbiage wasted on Executive Orders. To be sure, this Petition is not based upon any Executive Order. Thus, the statement about Executive Orders in Respondent's Brief is immaterial to the questions presented in the Petition and "may be disregarded and stricken in conformity with Section 5 of Rule 40 of this Court.

5. In final effort to evade the questions sought for review, Respondent contends that "The Petition presents only a private dispute—stemming from fanciful claims of

supposed discriminatory discharge of a single employee''* (Brief in Opposition pg 6.). It is easy to see that Respondent's contention has no basis in truth or fact.

The present Petition seeks United States Supreme Court review on a Federal Cause of Action which is far beyond the ''discharge of a single employee''.

The Petition seeks United States Supreme Court review on the merits of federal claims for:

a) Falsification of U. S. Navy Reports for the purposeful deprivation of Petitioner's right to Fair Government Hearing (DUE PROCESS OF LAW) in violation of the 5th Amendment of the Federal Constitution.

b) Blacklisting and the enforcement of a nationwide economic boycott to prevent Petitioner from obtaining work in this country.

c) Unlawful police pressures (harrassment, intimidation, etc.) instigated by Respondent Corporation with its Corporate chairman—the Mayor of Dallas, Texas.

6. Above all, Petitioner appeals to the United States Supreme Court for review of the question presented on basic fairness in federal judiciary proceedings (Procedural Due Process):

Since the Judgment carefully specifies that ''Appellant's federal claim is neither immaterial to the relief sought nor wholly insubstantial''—does the

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*Respondent characterizes the present case as the "fanciful claims of a single employee." It is beyond the scope of this document to show the actual number of persons mistreated by the respondent corporation.

It should be noted, however, that Respondent does not argue with what has been stated in the petition. Instead, Respondent attacks Petitioner's character, describing him as a "disgruntled employee" who uses "emotional verbiage" in "unrestrained invective."

U. S. Court of Appeals make an error in dismissing this case for lack of merits without any oral or written argument on the merits of the claim?

For cases where jurisdiction exists and the claim is not frivolous the argument on the merits of claim is of the very essence of fair judiciary proceedings. This is of paramount importance to each and every person in this country.

Conclusion

For these reasons as well as those stated in the Petition, the Writ sought by Petitioner should be granted.

ADAM FARKAS
Pro Se
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Bristol, Rhode Island